



Attorney Docket No: 042390.P18902

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kenneth J. Hines

Application No.: 09/888,061

Filed: June 21, 2001

For: EVOLUTION DIAGRAMS FOR
DEBUGGING DISTRIBUTED
EMBEDDED SOFTWARE
APPLICATIONS

Group Art Unit: 2122

Examiner: Kuo-Liang J. Tang

RECEIVED

JUL 08 2004

Technology Center 2100

Commissioner for Patents
Washington, D.C. 20231PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION

Pursuant to § 711.03(c), Subsection II of the Manual of Patent Examining Procedure ("MPEP"), the Applicant respectfully requests approval of this petition to withdraw holding of abandonment based on failure to receive an Office action. The reply was due no later than June 4, 2004. The Applicant respectfully submits that the delay was due to a failure to receive the Office action. Accompanying this Petition are the following:

- (1) a statement of failure to receive the Office action;
- (2) an amendment as a reply to the Office action mailed on December 4, 2003;
and
- (3) a check in the amount of \$130 for the petition fee under 37 C.F.R. § 1.17(h).

07/01/2004 JBALINAH 00000090 09888061

01 IC:1460


130.00 DP

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

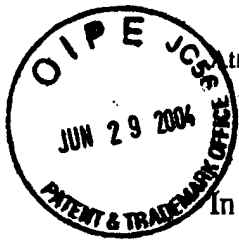
Date: 6/24/04



Michael R. Barré
Patent Attorney
Intel Americas, Inc.
Registration No. 44,023
(512) 314-0349

c/o Blakely, Sokoloff, Taylor &
Zafman, LLP
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Los Angeles, CA 90025-1026

Part of #14



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STATEMENT OF FAILURE TO RECEIVE OFFICE ACTION

This application was filed on June 21, 2001. At the time of filing, the Applicant was represented by the law firm of Stoel Rives, LLP ("Stoel Rives"). Intel Corporation ("Intel") acquired the application as part of a broader agreement on November 7, 2003. The previous power of attorney was revoked and a new power of attorney was provided to the U.S. Patent and Trademark Office on March 5, 2004.

On December 4, 2003 an Office action for this application was mailed to Stoel Rives. The letter from Stoel Rives attached as exhibit A seems to indicate that Stoel Rives forwarded a carbon copy of the Office action to Ms. Alexa Le of Intel. Ms. Alexa Le, however, did not receive the Office action from Stoel Rives. Exhibit B is an email from Alex Le indicating that she did not receive the Office action. In addition, to the Applicant's knowledge, no representative of Intel received a copy of the Office action. A

search of the file jacket for this application has been conducted and the Office action is not in the file jacket.

Exhibit C is a docket record showing the complete active docket for the attorney to whom the application is assigned. The matter number for this application is 42390.P18902. There is no entry in exhibit C for that matter number. Exhibit C, therefore, demonstrates that the Office action mailed on December 4, 2003 was not docketed.

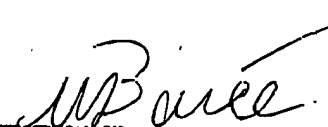
The Applicant first learned of the Office action and first received pages 2-12 of the Office action (via facsimile from the Examiner) on June 9, 2004. This statement and the corresponding petition and response to the Office action are being submitted with one month of that date.

The Applicant respectfully petitions for a withdrawal of the holding of abandonment based on failure to receive the Office action. The Applicant respectfully requests acceptance of the accompanying amendment as a reply to the Office action mailed on December 4, 2003.

Please charge any shortages and credit any overcharges to our Deposit Account
number 02-2666.

Respectfully submitted,

Date: 6/24/04



Michael R. Barré
Patent Attorney
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(512) 314-0349

c/o Blakely, Sokoloff, Taylor &
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12400 Wilshire Blvd.
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Los Angeles, CA 90025-1026



EXHIBIT A - CORRESPONDENCE FROM STOEL RIVES

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Portland, Oregon 97204
main 503-276-3380
fax 503-220-2480
www.stoel.com

December 15, 2003

MICAH D. STOLOWITZ
Direct Dial
(503) 294-9189
email mdstolowitz@stoel.com

Ross Ortega, Ph.D.
President and CTO
Consystant Design Technologies, Inc.
P.O. Box 520
Bellevue, Washington 98009

Re: U.S. Patent Application No. 09/886,459
Filed: June 20, 2001
DATA STRUCTURE AND METHOD FOR DETECTING CONSTRAINT
CONFLICTS IN COORDINATION-CENTRIC SOFTWARE SYSTEMS
Our Docket No. 10488/13:1

U.S. Patent Application No. 09/888,061
Filed: June 21, 2001
EVOLUTION DIAGRAMS FOR DEBUGGING DISTRIBUTED
EMBEDDED SOFTWARE APPLICATIONS
Our Docket No. 10488/10:1

Dear Ross:

As you know from recent e-mail, I was contacted by the examiner in the U.S. Patent Office regarding the first application identified above. Examiner Kuo Liang Tang proposed a restriction requirement. This arises where more than one invention is presented in a single patent application. The examiner defined Group I (consisting of claims 1-7, 8-14 and 19-25) and Group II (consisting of claims 15-18). I elected Group I for examination. Consequently, the examiner will move ahead and examine those claims.

The non-elected claims 15-18 remain in the case for now, but they will not be examined in this application. The applicant is free to pursue those claims in a divisional application, which can be filed at any time before the original application is issued or abandoned.

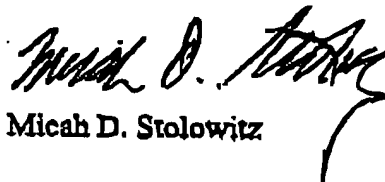
Oregon
Washington
California
Utah
Idaho

Ross Ortega, Ph.D.
December 15, 2003
Page 2

Also enclosed is an Office Action we received regarding the second application identified above. A response is due by March 4, 2004. We will not prepare a response because we understand the matter is being transferred to Intel.

Please feel free to contact me if you have any questions.

Very truly yours,


Micah D. Stolowitz

MDS:ks
Enclosures
cc: Ms. Alexa Le (w/encl.)



"Le, Alexa"
<alexa.le@intel.com>

06/21/2004 01:05 PM

To: <Derek_Watson@bstz.com>, <Grace_Abercrombie@bstz.com>
cc: <Philip_Pedigo@bstz.com>
Subject: RE: P18902, P18904 and P18905

I've searched my entire desk and found nothing. I also checked my emails and nothing. Sorry. Let me know, if there is anything else I can do.

Thanks.

-Alexa

-----Original Message-----

From: Derek_Watson@bstz.com [mailto:Derek_Watson@bstz.com]
Sent: Monday, June 21, 2004 9:27 AM
To: Le, Alexa; Grace_Abercrombie@bstz.com
Cc: Philip_Pedigo@bstz.com
Subject: P18902, P18904 and P18905

Alexa/Grace-

Can you take a look at the documentation I have attached. We have some wayward office actions that we need to respond to. Pls see Phil not below

- depending on if/when these items were rec'd's will determine how we need to respond. (P18902 - abandoned; P18904 - resp filed with 3 month EOT; P18905 - outstanding, 3 month EOT expires on the 30th.)

Any information you can provide would be great! Thanks!

dsw

(See attached file: Faxes from Stoel.pdf)

----- Forwarded by Derek Watson/bstzsecure on 06/21/2004 09:33 AM -----

Philip Pedigo

To: Derek Watson

06/21/2004

cc:

08:52 AM

Subject: P18902, P18904 and

P18905

Hi Derek:

I'm not going to be in the office today. Can you contact Alexa and find out whether she received the Office actions for P18902, P18904 and P18905. Stoel sent us documentation that indicates that the Office actions were mailed to Alexa. I'm leaving a copy of the documentation on my chair in case you want to see the dates (different for each matter) on which this stuff was sent to Alexa. The type of petition we file for P18902 likely

EXHIBIT C - ACTIVE DOCKET

| Date | Client and Matter Info | Description | Secretarial Remarks |
|-----------------------------------|---|---|--|
| 8/15/2002 eht GRL (MRB) | 42390.P9325 Intel Corporation OK to clear? <input type="checkbox"/> | Application filed 18 months ago, no office action received. Send status request to PTO. if none received, do status request | Please remove AAJ from this matter. Matter has been transferred to Michael Barre at Intel. 3/2/04 - pls add (MRB) to this entry per dsw |
| 2/13/2004 EHT JHS (MRB) X X | 42390.P9917 Intel Corporation OK to clear? <input type="checkbox"/> | Response due | Pls. remove (SPS) & add (MRB). (dlh 12/16/03) |
| 8/13/2004 EHT JHS (MRB) | 42390.P9917 Intel Corporation OK to clear? <input type="checkbox"/> | Next office action due; if not received, file request for status | |
| 4/30/2004 EHT GDC (MRB) X X | 42390.P8100 Intel Corporation OK to clear? <input type="checkbox"/> | Response due | 3/16/04 - resp filed 3/16/04, pls clear per dsw 3/16/2004 - will be cleared when pc is rec'd (cmc) |
| 4/16/2004 EHT GDC (MRB) X X | 42390.P8757 Intel Corporation OK to clear? <input type="checkbox"/> | Response due | Pls. remove (GXZ) & add (MRB). (dlh 2/17/04) 4/8/04 - resp filed 4/7/04 pls clear per dsw 4/8/2004 - will be cleared when pc is rec'd (cmc) Please remove JHS. (4/13/04 bs) |
| 5/10/2004 EHT JHS (MRB) X X | 42390.P9914 Intel Corporation OK to clear? <input type="checkbox"/> | Response due | Pls. remove (SPS) & add (MRB). (dlh 3/3/04) 4/14/04 - resp filed 4/14/04, pls clear per dsw 4/14/2004 - will be cleared when pc is rec'd (cmc) |
| 7/14/2004 EHT (MRB) X X | 42390.P8100GB Intel Corporation OK to clear? <input type="checkbox"/> | Deadline to file response in United Kingdom (hard deadline is 8/4/2004) | 2/25/04-Please add (MRB) to the docket per EHT-ihc. |
| 6/14/2004 EHT (MRB) | 42390.P8100GB Intel Corporation OK to clear? <input type="checkbox"/> | Reminder: Deadline to file response in United Kingdom is 7/14/2004(hard deadline is 8/4/2004) | 2/25/04-Please add (MRB) to the docket per EHT-ihc. |
| 5/9/2004 GDC (MRB) | 42390.P18513 Intel Corporation OK to clear? <input type="checkbox"/> | 3 month deadline to file prior art disclosure and check related cases (based on filed US application). | |

| Date | Client and Matter Info | Description | Secretarial Remarks |
|--|--|---|---|
| 8/9/2005 EHT GDC (MRB) | 42390.P18513 Intel Corporation OK to clear? <input type="checkbox"/> | Watch for first office action | |
| 5/20/2004 GDC (MRB) | 42390.P18515 Intel Corporation OK to clear? <input type="checkbox"/> | 3 month deadline to file prior art disclosure and check related cases (based on filed US application). | |
| 8/20/2005 EHT GDC (MRB) | 42390.P18515 Intel Corporation OK to clear? <input type="checkbox"/> | Watch for first office action | |
| 6/3/2004 GDC (MRB) | 42390.P18514 Intel Corporation OK to clear? <input type="checkbox"/> | 3 month deadline to file prior art disclosure and check related cases (based on filed US application). | |
| 9/3/2005 EHT GDC (MRB) | 42390.P18514 Intel Corporation OK to clear? <input type="checkbox"/> | Watch for first office action | |
| 9/16/2004 EHT GDC (MRB) x | 42390.P8100 Intel Corporation OK to clear? <input type="checkbox"/> | Next office action due; if not received, file request for status | |
| 5/27/2004 EHT (MRB) x x | 42390.P18904EP Intel Corporation OK to clear? <input type="checkbox"/> | Deadline to file response in EPO (hard deadline is 6/3/2004) - not extendible | 4/8/04-Please add (MRB) to the docket per EHT-ihc. |
| 4/27/2004 EHT (MRB) | 42390.P18904EP Intel Corporation OK to clear? <input type="checkbox"/> | Deadline to file response in EPO is 5/27/2004 (hard deadline is 6/3/2004) - not extendible | 4/8/04-Please add (MRB) to the docket per EHT-ihc. 5/19/04 resp filed 5/19/04, per dsw |
| 5/27/2004 EHT (MRB) x x | 42390.P18904EP Intel Corporation OK to clear? <input type="checkbox"/> | Deadline to file amendments to the specification, drawings and/or claims (hard deadline is 6/3/2004) | 4/8/04-Please add (MRB) to the docket per EHT-ihc. 5/19/04 resp filed 5/19/04, per dsw |
| 4/27/2004 EHT (MRB) | 42390.P18904EP Intel Corporation OK to clear? <input type="checkbox"/> | Reminder: Deadline to file amendments to the specification, drawings and/or claims is 5/27/2004 (hard deadline is 6/3/2004) | 4/8/04-Please add (MRB) to the docket per EHT-ihc. 5/19/04 resp filed 5/19/04, per dsw |

| Date | Client and Matter Info | Description | Secretarial Remarks |
|-------------------------------|---------------------------------------|---|--|
| 10/7/2004 EHT GDC (MRB) | 42390.P8757 Intel Corporation | Next office action due; if not received, file request for status | Interview summary received 4/27/2004 n |
| x | OK to clear? <input type="checkbox"/> | | |
| 6/12/2004 EHT (MRB) | 42390.P18899 Intel Corporation | Application filed more than 18 months ago, no office action received. Send status request to PTO. | |
| | OK to clear? <input type="checkbox"/> | | |
| 7/19/2004 eht GRL (MRB) | 42390.P9325 Intel Corporation | Response due | |
| x | OK to clear? <input type="checkbox"/> | | |
| 6/20/2004 EHT (MRB) | 42390.P18907 Intel Corporation | Application filed more than 18 months ago, no office action received. Send status request to PTO. | |
| | OK to clear? <input type="checkbox"/> | | |
| 7/19/2004 EHT MJM (MRB) | 42390.P9917 Intel Corporation | Issue fee due | Please remove JHS and replace with MJM. (6/7/04 bs) |
| x | OK to clear? <input type="checkbox"/> | | |
| 5/19/2004 EHT MJM (MRB) | 42390.P9917 Intel Corporation | Reminder - Issue fee due 7/19 | Please remove JHS and replace with MJM. (6/3/04 bs) |
| | OK to clear? <input type="checkbox"/> | | |
| 5/23/2004 EHT GDC (MRB) | 42390.P9914 Intel Corporation | Response due, notice of non-compliant amendment | Please remove JHS and replace with GDC. (6/3/04 bs) |
| x x | OK to clear? <input type="checkbox"/> | | |
| 5/1/2004 EHT GDC (MRB) | 42390.P8757 Intel Corporation | Response due, examiner interview summary | |
| x x | OK to clear? <input type="checkbox"/> | | |
| 10/14/2004 EHT (MRB) | 42390.P9914 Intel Corporation | Next office action due; if not received, file request for status | Please remove JHS and replace with GDC. (6/8/04 bs) |
| x | OK to clear? <input type="checkbox"/> | | |

| Date | Client and Matter Info | Description | Secretarial Remarks |
|-------------------------------|---------------------------------------|--|---------------------|
| 11/7/2004 EHT GDC (MRB) | 42390.P8628 Intel Corporation | <i>Next office action due; if not received, file request for status</i> | |
| x | OK to clear? <input type="checkbox"/> | | |
| 11/4/2004 EHT GDC (MRB) | 42390.P8112 Intel Corporation | <i>Next office action due; if not received, file request for status</i> | |
| x | OK to clear? <input type="checkbox"/> | | |
| 9/28/2004 EHT (MRB) | 42390.P11836 Intel Corporation | <i>Application filed more than 18 months ago, no office action received. Send status request to PTO.</i> | |
| | OK to clear? <input type="checkbox"/> | | |
| 6/23/2004 EHT GDC (MRB) | 42390.P9914 Intel Corporation | <i>Response due, notice of non-compliant amendment, first extension</i> | |
| x x | OK to clear? <input type="checkbox"/> | | |
| 9/7/2004 EHT GDC (MRB) | 42390.P8100 Intel Corporation | <i>Response due</i> | |
| x x | OK to clear? <input type="checkbox"/> | | |